

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DRUCKER TECHNOLOGIES INC)	
)	
Plaintiff,)	Civil No. 3:10-CV-00441-B
vs.)	
)	
)	
KEN O'KELLY)	
NUTRA LAB, dba)	
)	
Defendant.)	

**DEFENDANT'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO RESPOND
TO
PLAINTIFF'S RESPONSE AND BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS
FOR LACK OF JURISDICTION OVER THE SUBJECT MATTER,
IMPROPER VENUE AND OR IN THE ALTERNATE
MOTION FOR A MORE DEFINITE STATEMENT
MOTION TO STRIKE
AND
PLINTIFF'S CROSS MOTION FOR LEAVE TO TAKE DISCOVERY
RELATING TO JURISDICTION AND VENUE**

COMES NOW Defendant Ken O'Kelly, Nutra Lab pursuant to Federal Rule 6 (b) hereby respectfully requests this court for an Extension of Time to Respond to Plaintiff's Response and Brief in Opposition to Defendant's Motion to Dismiss For Lack of Jurisdiction over the Subject Matter, Improper Venue and or in the Alternate, Motion for a More Definite Statement, Motion to Strike and Plaintiff's Cross Motion for Leave to Take Discovery Relating to Jurisdiction and Venue.

Defendant has consulted with counsel for Plaintiff Theodore Shiells who has consented to the relief requested herein. In support of Defendant's Motion for an Extension of Time, states as follows:

1. On March 3, 2010, Plaintiff filed their Complaint in this case. The Complaint asserts Trademark and Copyright rights of Drucker Technologies.
2. On March 31, 2010, Defendant filed his Motion to Dismiss.
3. On April 21, 2010, Plaintiff filed their Response to Defendant's Motion to Dismiss along with a Cross Motion for Leave.
4. Under Federal Rules of Civil Procedure Defendant's Response to Plaintiff's Response and Brief in Opposition to Defendant's Motion to Dismiss and Plaintiff's Cross Motion for Leave to Take Discovery Relating to Jurisdiction and Venue is calculated to be May 18, 2010.
5. On May 12, 2010 Defendant Ken O'Kelly conferred with Theodore Shiells, Counsel for Plaintiff, regarding this Motion for Extension of Time. **Counsel for Plaintiff consented to Defendant's request to enlarge the time for filing a response by 14 days, which would make the new deadline June 1, 2010.**
6. The relief requested herein is for good cause and not for the purpose of hindrance or delay.
7. No other Extension of Time has been requested in this case.

WHEREFORE, Defendant respectfully requests this court for an Extension of Time to Respond to Plaintiff's Response and Brief in Opposition to Defendant's Motion to Dismiss and Plaintiff's Cross Motion for Leave to Take Discovery Relating to Jurisdiction and Venue to **June 1, 2010**.

Respectfully submitted,

/s/ Kenneth E O'Kelly/

Ken O'Kelly
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CERTIFICATE OF CONFERENCE

Defendant Ken O'Kelly conferred with Theodore Shiells, Counsel for Plaintiff, regarding this Motion for Extension of Time. **Counsel for Plaintiff consented to Defendant's request to enlarge the time for filing a response by 14 days, which would make the new deadline June 1, 2010.**

Respectfully submitted,

/s/ Kenneth E O'Kelly/

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CERTIFICATE OF SERVICE

I hereby certify pursuant to Federal Rules of Civil Procedure 5 (b)(1) and 5 (b)(2) that a copy of the above foregoing was sent by US Mail on this 13th day of May, 2010 to Theodore F. Shiells, *Attorney for Plaintiff*, CARR LLP, at 900 Jackson Street, Suite 670, Dallas, Texas 75202 and by the Court's (ECF) Electronic Case Filing system.

Respectfully submitted,

/s/ Kenneth E O'Kelly/

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